

## **REMARKS**

### **Status of the Claims**

Claims 1-76 are in the application. Claims 1, 11, 12, 22, 23, 25, 31, 39, 60-63 and 69 are herein amended, claims 34-38 and 72-76 stand withdrawn and claims 1-33 and 39-71 are active in the application. Claims 1, 22, 31, 39, 60, and 69 are active, independent claims.

### **Claim Amendments**

The 'providing' and 'receiving' limitations of amended claims 11, 23, 49 and 61 have been incorporated into the independent claims. Each independent claim has been amended to recite 'storing' limitations (see the specification, para. 0066 etc.) and, with respect to claims 1 and 39, 'validating' limitations (see the specification, para. 0068 etc.). Minor amendments have been made for consistency. No new matter has been added.

### **Claim Rejections under 35 USC § 102(b)**

The Advisory Action maintained the rejection of claims 1-33 and 39-71 as being anticipated by Herz under 35 U.S.C. §102(b). This rejection is respectfully submitted to be overcome by this Amendment.

It is noted that extensive discussion has been had by both parties regarding the characterization and the interpretation of the Herz reference. For purposes of brevity, they will not be repeated here. Applicant's arguments of record are incorporated herein, where applicable.

In summary, Herz teaches a system for electronic, interest-based matching of objects with users. The invention teaches the use of target profiles for the objects and interest summaries for the users. The system then evaluates the target profiles against the interest summaries to generate a user-customized, rank ordered listing of target objects most likely to be of interest. The user can select from among those potentially relevant target objects.

In contrast to the Herz system, the present invention generates and processes consumer preference information relating to attributes of products.

Considering the general operation and goals of the Herz system in comparison to the present invention, Herz is fundamentally a matching system, using profile and preference data to sort large quantities of objects, automatically matching users with objects of potential interest. The goal of the Herz system is to assist users in sorting through large quantities of objects to identify those of interest.

In contrast, the present invention collects and processes consumer preference information as relates to attributes of products (defined in the specification as goods and/or services). In the claimed embodiments, the present invention is not a matching system. Rather, it is a consumer preference information collection and processing system that functions to provide useful consumer preference information relating to products, for example for use by manufacturers or sellers.

The present amendment more clearly distinguishes the invention from Herz. In particular, each of amended independent claims 1, 22, 31, 39, 60 and 69 now recites like elements to:

- storing preference information for a plurality of consumers,  
the preference information relating to an attribute of a product;

- providing trade-off questions relating to the attribute to a  
consumer;

- receiving answers to the trade-off questions from the  
consumer;

- determining, based on the answers, preference information  
associated with the consumer;

- (in claims 1, 22, 39 and 60) validating the preference  
information of the consumer; or, (in claims 31 and 69) currency-  
normalizing the consumer preference information; and

mixing based upon the validating, the preference information of the consumer with the preference information of the plurality of consumers.

(It is noted that the language reciting the elements varies slightly from claim to claim, depending on the claim format type and the other limitations in the claim.)

The independent claims as amended more clearly recite the invention as directed to collecting and processing consumer preference information relating to product attributes and both validating and mixing that preference information whereby to have useful data for users. Claims 1 and 39 further recite the degree of mixing differing between consumers.

The amendments also more clearly distinguish over Herz. Herz, being directed to a matching system, and not a product attribute preference processing system, does not show or suggest at least the elements of: providing trade-off questions and receiving answers thereto, determining based on the answers preference information, validating or currency-normalizing the preference information and/or mixing the consumer preference information with that of a plurality of consumers.

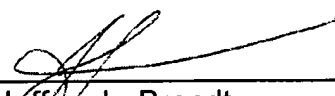
In summary, Applicant's invention differs significantly in function and intent from the Herz teachings. The claims, as amended, recite the invention while distinguishing over Herz. The independent claims are thus submitted to be patentable over Herz. The dependent claims are submitted to be patentable both as dependent from allowable base claims and in their own right as dependent from the currently amended independent claims.

## CONCLUSION

Accordingly, Applicant respectfully requests the allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 438-1077.

Respectfully submitted,

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Date  
Jeffrey L. Brandt  
c/o Intellevate  
P.O. Box 52050  
Minneapolis MN 55402  
United States of America  
Office: 1 (203) 438-1077  
Fax: 1 (866) 422-4530

  
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Jeffrey L. Brandt  
Registration No. 31,490